

FILED

JUL 8 1996

CERTIFIED TRUE COPY

JOHN M. BOYLE
P. J. Clerk

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - UNION COUNTY
DOCKET NO. UNN-C-67-96

DEBORAH T. PORITZ, ATTORNEY
GENERAL OF NEW JERSEY and THE
NEW JERSEY STATE BOARD OF
DENTISTRY,

Plaintiffs,

v.

ERNESTO RAMIREZ

Defendant.

Civil Action

ORDER ENTERING DEFAULT

AND

IMPOSING SANCTIONS

This matter was opened to the Court by Deborah T. Poritz, Attorney General of New Jersey, counsel for plaintiff New Jersey State Board of Dentistry, Deputy Attorney General Marilyn Bair appearing, upon the filing of an Order to Show Cause for Injunctive Relief with Temporary Restraints and Authorization for Inspection and Impoundment of Evidence and a Verified Complaint alleging that defendant Ernesto Ramirez engaged in the unlicensed practice of dentistry in violation of the Dental Practice Act at N.J.S.A. 45:6-1 et seq. An order entering temporary restraints and authorizing the impoundment of evidence of unlawful dental practice was entered by the Court ex parte on May 20, 1996. Defendant was served with the Order to Show Cause, the Verified Complaint and a

Letter Brief on May 29, 1996. The Order to Show Cause directed defendant to appear on June 17, 1996 at 2:00 p.m. before the Honorable John M. Boyle at the Superior Court of New Jersey, Chancery Division, Union County, 2 Broad Street, Elizabeth, New Jersey to show why the relief requested by the plaintiffs should not be ordered. Further, the defendant was ordered to file with the Court and serve upon Deputy Attorney General Marilyn Bair an answering affidavit or appropriate motion supported by a brief no later than five days prior to the return date.

Defendant failed to appear as ordered for the show cause hearing held on June 17, 1996. In addition, Defendant had failed to file an answer or motion with the Court and upon Deputy Attorney General Bair, nor did the defendant communicate in any way to the Court or Ms. Bair. On the basis of defendant's failure to appear in Court and to respond to this matter, Deputy Attorney General Marilyn Bair made a motion in open court for a default to be entered against defendant Ernesto Ramirez. She further presented to the Court an Affidavit of Service showing that defendant had been timely served with all appropriate papers.

Having considered the motion for default, and having considered the pleadings, brief, and affidavits filed by plaintiffs,

IT IS ON THIS 8th DAY OF July 1996

HEREBY ORDERED AND AGREED THAT:

1. A default be and is hereby entered against defendant Ernesto Ramirez.

2. Defendant shall be permanently enjoined from engaging in or offering to engage in the practice of dentistry as defined in the Dental Practice Act at N.J.S.A. 45:6-1 et seq. until licensure from the New Jersey State Board of Dentistry is secured. Defendant further shall not be permitted to own, possess or control any dental instruments, material, supplies or equipment as are customarily utilized in the practice of dentistry.

3. Defendant shall be assessed the costs of the investigation to the State in the amount of \$3082.84 pursuant to N.J.S.A. 45:1-25. Said costs shall be paid by certified check or money order made payable to the State of New Jersey and sent to Ms. Agnes Clark, the Board of Dentistry, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102. The payment shall be submitted to the Board of Dentistry no later than fourteen days after the entry date of the within Order.

4. Defendant shall be assessed a civil penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$2,500.00. Said penalty shall be paid by certified check or money order made payable to the State of New Jersey. The payment shall be submitted to the Board of Dentistry no later than fourteen days after the entry date of the within Order.

5. The Division of Consumer Affairs, Enforcement Bureau, shall be authorized to dispose of the dental equipment and items confiscated in the impoundment of May 29, 1996 in such manner as it determines to be appropriate. Within fourteen days after the entry date of the within Order, the defendant may request the return of

any impounded items which are not utilized in the practice of dentistry. In the event of disagreement concerning whether a particular item is utilized in the practice of dentistry, the Board of Dentistry shall make the final determination whether the item shall be returned to the defendant.

THIS THE 8th DAY OF July 1996.

A handwritten signature in dark ink, appearing to read "John M. Boyle", written over a horizontal line.

HON. JOHN M. BOYLE, J.S.C.